

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE APPLICATION OF SUKHBAATAR
BATBOLD FOR AN ORDER PURSUANT TO
28 U.S.C. § 1782,

Petitioner.

Case No. 21-mc-218

**DECLARATION OF ORIN SNYDER IN SUPPORT OF SUKHBAATAR BATBOLD'S
APPLICATION FOR JUDICIAL ASSISTANCE TO OBTAIN EVIDENCE FOR USE IN
A FOREIGN PROCEEDING PURSUANT TO 28 U.S.C. § 1782.**

I, Orin Snyder, hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746,
that the following is true and correct:

1. I am a partner in the law firm of Gibson, Dunn & Crutcher LLP, and am admitted
to practice law in the State of New York and the Southern District of New York. My firm
represents Sukhbaatar Batbold (the "Petitioner"). I make this declaration in support of
Petitioners' application for Judicial Assistance to Obtain Evidence for use in a Foreign
Proceeding Pursuant to 28 U.S.C. § 1782 (the "Application"). I am over the age of eighteen years
and am not a party to this action.

2. Attached hereto as **Exhibit 1** is a true and correct copy of a subpoena for
deposition for K2 Integrity dated **March 9, 2021**.

3. Attached hereto as **Exhibit 2** is a true and correct copy of a subpoena to produce
documents for K2 Integrity dated **March 9, 2021**.

4. Attached as **Exhibit 3** is a true and correct copy of the Notice of Voluntary Discontinuance (NYSCEF No. 181) filed with the New York County Clerk December 9, 2020 in *Agency for Policy Coordination on State Property, Erdenet Mining Corporation, Erdenes Oyu Tolgoi LLC v. Batbold Sukhbaatar, et al.* (Index Number: 656507/2020).

5. Attached as **Exhibit 4** is a true and correct copy of an article by Anand Tumurtogoo, published by *Foreign Policy* entitled “Mongolia’s President Is Slicing Away Its Hard-Won Democracy,” dated March 29, 2019, available at <https://foreignpolicy.com/2019/03/29/mongolias-president-is-slicing-away-its-hard-won-democracy/>.

6. Attached as **Exhibit 5** is a true and correct copy of an article by Boldsaikhan Sambuu and Aubrey Menard, published by *The Washington Post*, entitled “Here’s how democracy is eroding in Mongolia,” dated April 3, 2019, available at <https://www.washingtonpost.com/politics/2019/04/03/heres-how-democracy-is-eroding-mongolia/>.

7. Attached as **Exhibit 6** is a true and correct copy of an article by Michael Hornsby published by Transparency International, entitled “Parliament of Mongolia should uphold the Independence of the Judiciary and Anti-Corruption Agency,” dated March 29, 2019, available at <https://www.transparency.org/en/press/parliament-of-mongolia-should-uphold-the-independence-of-the-judiciary>.

8. Attached as **Exhibit 7** is a true and correct copy of an article by Ian MacDougall and Anand Tumurtogoo published by ProPublica entitled “The Country That Exiled McKinsey,” dated May 14, 2019, available at <https://www.propublica.org/article/the-country-that-exiled-mckinsey>.

9. Attached as **Exhibit 8** is a true and correct copy of an article by the Office for Democratic Institutions and Human Rights entitled “Opinion on the Laws on Courts, on Judicial Administration and on the Legal Status of Judges of Mongolia,” dated March 3, 2020, available at <https://www.osce.org/odihr/450412>.

10. Attached as **Exhibit 9** is a true and correct copy of an article by Permanent Representation of Estonia to the UN and other International Organisations in Geneva entitled “Universal Periodical Review of Mongolia – 4 November 2020 – Intervention by the delegation of Estonia,” dated November 4, 2020, available at <https://geneva.mfa.ee/upr-mongolia>.

11. Attached as **Exhibit 10** is a true and correct copy of a report by the European Commission, High Representative of the Union for Foreign Affairs and Security Policy, for the Joint Report to the European Parliament and the Council on the Generalized Scheme of Preferences covering the period 2018-2019 entitled “The EU Special Incentive Arrangement for Sustainable Development and Good Governance (‘GSP+’) assessment of Mongolia covering the period 2018 – 2019,” dated October 2, 2020, available at <https://ec.europa.eu/transparency/regdoc/rep/10102/2020/EN/SWD-2020-23-F1-EN-MAIN-PART-1.PDF>.

12. Attached as **Exhibit 11** is a true and correct copy of an article by The White House, Office of the Vice President, entitled “Remarks by Vice President Biden and Mongolian Prime Minister Batbold,” dated August 22, 2011, available at <https://obamawhitehouse.archives.gov/the-press-office/2011/08/22/remarks-vice-president-biden-and-mongolian-prime-minister-batbold>.

13. Attached as **Exhibit 12** is a true and correct copy of an article by Alexander Maxwell, published by Thrive Global entitled “The business is run on four key values –

Battushig Batbold,” dated September 7, 2020, available at <https://thriveglobal.com/stories/the-business-is-run-on-four-key-values-battushig-batbold/>.

14. Attached as **Exhibit 13** is a true and correct copy of an article by Altai Holding LLC, entitled “Over Two Decades of Experience,” available at <https://www.altaiholding.mn/history>.

15. Attached as **Exhibit 14** is a true and correct copy of an article by The Associated Press published by *The New York Times* entitled “Mongolia: New Prime Minister Confirmed,” dated October 29, 2009, available at <https://www.nytimes.com/2009/10/30/world/asia/30briefs-MongoliaBrf.html>.

16. Attached as **Exhibit 15** is a true and correct copy of an article by Bat-Orshikh Batdorj published by Geopolitical Monitor entitled “Don’t Let Mongolia Slide into Authoritarianism,” dated February 5, 2021, available at <https://www.geopoliticalmonitor.com/dont-let-mongolia-slide-into-authoritarianism/>.

17. Attached as **Exhibit 16** is a true and correct copy of an article by Tori Macdonald published by Eureporter entitled “Iconic mine at the centre of a raging political battle,” dated December 23, 2020, available at <https://www.eureporter.co/world/mongolia/2020/12/23/iconic-mine-at-the-centre-of-a-raging-political-battle/>.

18. Attached as **Exhibit 17** is a true and correct copy of a Summons (NYSCEF No. 1) filed with the New York Country Clerk November 23, 2020 in *Agency for Policy Coordination on State Property, Erdenet Mining Corporation, Erdenes Oyu Tolgoi LLC v. Batbold Sukhbaatar, et al.* (Index Number: 656507/2020).

19. Attached as **Exhibit 18** is a true and correct copy of the Affidavit of Jules B. Kroll (NYSCEF No. 57) filed with the New York Country Clerk November 25, 2020 in *Agency*

for Policy Coordination on State Property, Erdenet Mining Corporation, Erdenes Oyu Tolgoi LLC v. Batbold Sukhbaatar, et al. (Index Number: 656507/2020).

20. Attached as **Exhibit 19** is a true and correct copy of an article by Eric Grimes published by International Policy Digest, entitled “Under the Microscope: President’s Offshore Assets Cause a Stir in Mongolia,” dated December 27, 2020, available at <https://intpolicydigest.org/under-the-microscope-president-s-offshore-assets-cause-a-stir-in-mongolia/>.

21. Attached as **Exhibit 20** is a true and correct copy of the complete docket for *Agency for Policy Coordination on State Property, Erdenet Mining Corporation, Erdenes Oyu Tolgoi LLC v. Batbold Sukhbaatar, et al.* (Index Number: 656507/2020).

22. Attached as **Exhibit 21** is a true and correct copy of the Transcript from a December 2, 2020 hearing in *Agency for Policy Coordination on State Property, Erdenet Mining Corporation, Erdenes Oyu Tolgoi LLC v. Batbold Sukhbaatar, et al.* (Index Number: 656507/2020).

23. Attached as **Exhibit 22** is a true and correct copy of the Interim Decision and Order on Motion (NYSCEF No. 179) filed with the New York Country Clerk December 3, 2020 in *Agency for Policy Coordination on State Property, Erdenet Mining Corporation, Erdenes Oyu Tolgoi LLC v. Batbold Sukhbaatar, et al.* (Index Number: 656507/2020).

24. Attached as **Exhibit 23** is a true and correct copy of a translated letter, including the original and certified translation certificate, from Erdenet Mining Corporation, signed KH. Badamsuren, dated November 27, 2020.

25. Attached as **Exhibit 24** is a true and correct copy of a translated letter, including the original and certified translation certificate, from Erdenes Oyu Tolgoi LLC, signed TS.

Tumentsogt, dated November 27, 2020.

26. Attached as **Exhibit 25** is a true and correct copy of a translated letter, including the original and certified translation certificate, from the Government Implementing Agency of Mongolia, Government Agency for Policy Coordination on State Property, signed Chairman B. Tsengel, dated November 27, 2020.

27. Attached as **Exhibit 26** is a true and correct copy of a translated letter, including the original and certified translation certificate, from the Cabinet Secretariat of Government of Mongolia, signed Minister of Mongolia, Chief Cabinet Secretary L. Oyun-Erdene, dated November 27, 2020.

28. Attached as **Exhibit 27** is a true and correct copy of an article by Ganbat Namjilsangarav published by AP News entitled “Mongolian PM quits in COVID-19 hospital treatment scandal,” dated January 22, 2021, available at <https://apnews.com/article/asia-pacific-ulaanbaatar-coronavirus-pandemic-mongolia-d7ae5502ab14164c5e99c203e0006463>.

29. Attached as **Exhibit 28** is a true and correct copy of an article by Unurzul M. published by The Mongolian News Agency Montsame, entitled “President submits draft resolution to support every household with MNT 1 million,” dated January 8, 2021, available at <https://montsame.mn/en/read/249284>.

30. Attached hereto as **Exhibit 29** is a document titled Entity Information for K2 Intelligence Holdings, Inc. procured from the New York State Department of State, Division of Corporations.

31. Attached hereto as **Exhibit 30** is a true and correct copy of a webpage listing K2 Integrity's office locations in New York, available at <https://www.k2integrity.com/en/about-us/our-offices>.

32. Attached as **Exhibit 31** is a true and correct copy of a Memorandum of Law in support of Petitioners' *Ex Parte* Petition for Judicial Assistance Pursuant to 28 U.S.C. § 1782 in the Southern District of New York (Case 1:21-mc-00178-VSB, document number 4) dated February 11, 2021.

33. Attached as **Exhibit 32** is a true and correct copy of the Declaration of Maizorig Janchivdorj in support of *Ex Parte* Petition for an Order Directing Discovery from JPMorgan Chase Bank, N.A. Pursuant to 28 U.S.C. § 1782, in the Southern District of New York (Case 1:21-mc-00178-VSB, document number 5) dated February 11, 2021.

34. Attached as **Exhibit 33** is a true and correct copy of an article by Mathew Campbell and Terrence Edwards published by Bloomberg News entitled, "Mongolia's Populist President Is the Trump of the Steppe" dated September 26, 2019, available at <https://www.bloomberg.com/news/features/2019-09-26/mongolia-s-president-is-the-trump-of-east-asia>.

35. Attached as **Exhibit 34** is a true and correct copy of the "Mandates of the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the independence of judges and lawyers" from Michael Forst and Diego García-Sayán, dated May 14, 2019, reference number: OLMNG 1/2019.

36. Attached as **Exhibit 35** is a true and correct copy of an article by Regina Cox published by the New York City Post entitled "President of Mongolia blamed for coup, faces

impeachment from Parliament,” dated January 24, 2021, available at <https://www.nycpost.org/?p=431>.

37. Attached as **Exhibit 36** is a true and correct copy of the Declaration of Sarah Y. Walker in support of *Ex Parte* Petition for an Order Directing Discovery from JPMorgan Chase Bank, N.A. Pursuant to 28 U.S.C. § 1782, in the Southern District of New York (Case 1:21-mc-00178-VSB, document number 6) dated February 11, 2021.

38. Attached as **Exhibit 37** is a true and correct copy of a speech given by the President of Mongolia, Khaltmaagiin Battulga, entitled “Address of the President to the Special Parliamentary Session regarding PM’s Resignation,” dated January 22, 2021, available at: <https://president.mn/en/2021/01/22/address-of-the-president-to-special-parliamentary-session-regarding-pms-resignation/>.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 9, 2021
New York, New York.

/s Orin Snyder
Orin Snyder